

MEMO ENDORSED



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

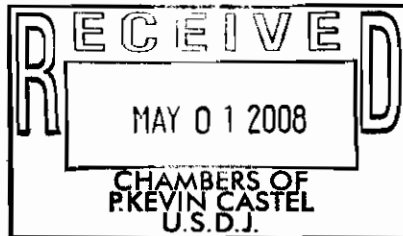
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April 30, 2008

BY HAND

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Spivey, et al. v. City of New York, et al., 07 CV 9365 (PKC)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense of this matter on behalf of defendant City of New York.

Pursuant to your Honor's order of April 18, 2008, I am in receipt of plaintiff's proposed First Amended Complaint. Please be advised that defendant City of New York does not object to the filing of this Complaint, but reserves all rights, defenses and other objections for the appropriate time. Plaintiff was advised of defendant's position on April 28, 2008.

*Leave to file
amended complaint
is granted.
SO ORDERED
JST
5-1-08*

Respectfully submitted,

Michael K. Gertz
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Izabel Olszowa Garcia, Esq.
Attorney for Plaintiffs
26 Court Street, Suite 1815
Brooklyn, New York 11242 (by facsimile)